

BEFORE THE MONTGOMERY COUNTY
COMMISSION ON HUMAN RIGHTS

Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6660

ROBERT GREENFIELD,

Complainant,

v.

CASTLE GATE TOWNHOUSE ASS'N, INC.,

and

ABARIS REALTY, INC.

Respondents.

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OZAH No. HR-17-01
(OHR No. REH-04487)

PRE-HEARING BRIEFING ORDER

In preparation for the hearing of this case, counsel for the parties are Ordered to file and serve the following documents by the dates stated below.

Each party shall file its prehearing statement by September 18, 2017. The statement – in *double-space* format only – shall briefly outline the party's factual contentions and present its legal theories as to why that party should prevail on the merits. The statement shall identify the legal authorities its legal arguments rely on. It shall include in one or more appendices:

- (i) a list of all documents and other non-testimonial evidence to be introduced at the hearing, including discovery material that satisfies the normal rules of evidence;
- (ii) a list of the names and addresses of all prospective witnesses to be presented in the party's case in chief, together with summaries of their expected testimony;
- (iii) a list of names and addresses of any persons requested to be subpoenaed by the Hearing Examiner and any documents or records requested to be subpoenaed for the hearing.

Witnesses and documents not identified by September 18 will be excluded at the hearing in the party's case in chief except under extraordinary circumstances. A party is not obligated to present a witness or to introduce a document or other testimonial evidence it has identified.

By September 18, each party shall also file all substantive or procedural motions it wishes to be considered before the hearing. Motions shall be double-spaced. Because discovery is closed, no motion relating to discovery will be entertained. (As a reminder, all motions, responses, and replies should be served by email. Motions or other requests requiring action by this office must be filed in person or by deposit with the United States Postal Service (USPS). Filing is considered complete when deposited with USPS).

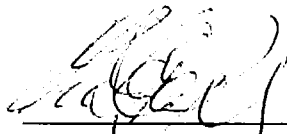
By October 9, each party shall file its responses to the opposing party's substantive or procedural motions. If a party wishes to respond to the opposing party's prehearing statement, it shall do so by the same date, October 9. Replies in support of a motion may be filed up to October 23. All such documents shall be double-spaced.

The parties shall *jointly* file no later than October 30 a *joint* stipulation of (i) all exhibits to be introduced at the hearing the authenticity of which they will not contest and (ii) all relevant facts they will not contest. The joint stipulation will not prevent any party from contesting at the hearing the relevance or weight to be accorded to any document or fact.

No later than November 6 each party shall file two sets and serve one set of numbered and labeled exhibits it plans to introduce at the hearing. The sets of exhibits submitted for filing shall be bound in one or more loose-leaf binders. Each set shall include an exhibit list in each binder identifying each exhibit by number and by a caption sufficient to describe generally the contents of the exhibit. The complainant's exhibits shall be consecutively numbered C # ___, the respondents' exhibits R # ___. Exhibits larger than 10½" x 8" shall be represented by a small-scale version in the binder but may be introduced in the larger version at the hearing and bear the identical exhibit number. Neither party is obligated to introduce into evidence an exhibit included in its set of exhibits or to follow the set's numerical sequence when introducing exhibits at the hearing.

No exhibit not included in the binders filed by November 6 will be accepted into evidence in that party's case-in-chief.

The hearing in this case will be scheduled in a subsequent Order.



Lutz Alexander Prager
Hearing Examiner

Dated: August 10, 2017

Serve:

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